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TECHNOLOGY CENTER R3700

PATENT
4502-1010

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IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of:

Bradley HOUGHTON et al.

Technology Center: 3744

Attn: Group Director

Appln.: 09/319,764

Conf.: 3540

Filed: September 9, 1999

Group: 3744

VALVE SYSTEMS FOR SERVO

CONTROL OF FLUID FLOWS

Examiner: W.E. Tapolcai

PETITION UNDER 37 CFR §1.181
TO WITHDRAW THE HOLDING OF ABANDONMENT

Assistant Commissioner for Patents
Alexandria, VA 22313-1450

July 7, 2003

Sir:

Withdrawal of the holding of abandonment in the above-identified application pursuant to 37 CFR §1.181 and §711.03(c) of the Manual of Patent Examining Procedure (MPEP) is respectfully requested for the following reasons:

On June 26, 2003, the undersigned Attorney received a telephone call from Primary Examiner William E. Tapolcai, inquiring as to whether a responsive amendment had been filed in response to an Official Action dated December 17, 2002.

Upon apprising the Examiner that we had never received any Official Action dated December 17, 2002, we were kindly provided with a copy thereof on June 26, 2003, via telefax.

Accordingly, it is clear that the U.S.P.T.O. considers the above-captioned application abandoned.

The undersigned, who is a registered patent attorney, hereby states that no Official Action on the merits has been received from the U.S.P.T.O. after the decision dated August 28, 2002 granting Applicants' petition to revive. Moreover, the undersigned attorney attests to the fact that a search of the file jacket and docket records confirms that no U.S.P.T.O. action on the merits has been received following the decision granting the petition to revive, except for the above-mentioned facsimile transmission of June 26, 2003, which is after the application was considered abandoned.

Petitioner submits herewith as Exhibit A, a copy of the computer-generated docket for the present application, and as Exhibit B the firm's docket record where the non-received Official Action would have been entered had it been received and docketed for response on March 17, 2003. In addition, there is also submitted herewith as Exhibit C a copy of the file jacket of the above-captioned application, which clearly reveals that no Official Action on the merits has been received following the decision granting the petition to revive of August 28, 2002. Indeed, the entries on the file jacket following that decision merely include an assignment filed on December 9, 2002, a notification received from the Patent and Trademark Office dated

December 17, 2002 accepting Applicants' new Power of Attorney, and a recorded assignment mailed to the client on April 23, 2003. The last entry made on the file jacket reveals that on June 30, 2003, we reported the Official Action received by telefax on June 28, to the clients.

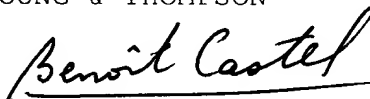
In view of the above remarks, and the accompanying Exhibits, it is respectfully submitted that Applicants did not timely receive the Official Action dated December 17, 2002, until after abandonment of the application.

Accordingly, it is respectfully requested that: 1) the holding of abandonment for failure to respond within the statutory period be withdrawn; and 2) that the period for responding to the Official Action be restarted.

Respectfully submitted,

YOUNG & THOMPSON

By



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Arlington, VA 22202
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Attachments

Country Application

Monday, July 07, 2003

Case Number: 4502-1010	Country: US	SubCase:
Client: PIPERS (TAKAPUNA)	United States of America	
Case Type: CPA	Application Status: Pending	
Application Number: 09/319,764	Filing Date: 09-Sep-1999	
Publication Number:	Publication Date:	
Patent Number:	Issue Date:	
Parent/PCT Number: PCTNZ00168	Parent/PCT Date : 12-Dec-1996	
Parent Issue Number:	Parent Issue Date :	
Agent:	Expiration Date:	
Agent Reference No.:	PTA: 0	
	Tax Schedule: LE	
	Confirmation #:	

Remarks: Application transferred to Young & Thompson - received on 3-13-02. To RJP on 3-21-02 docketed to Revive by 5-16-02 PER RJP given to RL.

PTO communication dated 12-17-02 received w/ attached NOTICE REGARDING CHANGE OF POWER OF ATTORNEY and NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY.

File to RJP on 6-27-03. LJR

List Of Actions

Action(s) Due	Due Date		Action Taken
3 Month Due Date - Final	11-Jan-2001	Due Date	13-Mar-2002
1st Extension - Final	11-Feb-2001	Due Date	13-Mar-2002
Application Status Check	09-Mar-2001	Due Date	19-Jul-2002
2nd Extension - Final	11-Mar-2001	Due Date	13-Mar-2002
3rd Extension - Final	11-Apr-2001	LAST DAY	13-Mar-2002
Check status - allowed?	13-Apr-2002	Due Date	13-Mar-2002
PETITION TO REVIVE REMINDER	09-May-2002	Reminder	19-Jul-2002
PETITION TO REVIVE	16-Jun-2002	Final	16-Jul-2002
PET TO REVIVE FOLLOW UP	16-Sep-2002	Due Date	28-Aug-2002
Application Status Check	16-Jan-2003		11-Jun-2003
STATUS CALL-UP LJR	29-Jun-2003	Due Date	27-Jun-2003
STATUS CALL-UP LJR	29-Jul-2003	Due Date	

EXHIBIT A

User ID: ljr**Date Created:** 18-Mar-2002**Last Update:** 27-Jun-2003

EXHIBIT A

Amendments

Issue Fees

17 BUSCH 0501-1019 Brief (Ext.1) <i>CPA 3/17</i>	AIACHE 0504-1040 pd 3/17
KUZEE 2001-1044 (Ext.2) Allowed? <i>ext 3</i>	BOOTSMA 2003-1002 pd 3/17
MILLER 3020-1001 (Ext.2) Allowed? <i>yes 3-3</i>	BORDEWIJK 2001-1070 pd 3/17
OUDAKKER 2003-1005 (Ext.2) <i>ext 3</i>	BROBERG 1501-1168 pd 3/17
VAN DER STARRE 2001-1083 (Ext.2) Allowed? <i>ext 3</i>	DAMTIEN 0550-1003 pd 3/17
BARTHOLEYNS 0508-1064 <u>FINAL</u> <i>Amndt 3-3</i>	FRAYSSE 0503-1037 pd 3/17
BEST 4005-1005 <u>FINAL</u> <i>Amndt 3-6</i>	GARNIER 0536-1003 pd 3/17
MAXWELL 4501-1008 Suspended <i>move 6 mos.</i>	HORIKIRI 8012-1069 2/12
MIGLIORI 2511-1016 <i>amdt 3-14</i>	JARRY 0504-1065 pd 3/17
NAKAZAWA 8013-1007 <i>ext 1</i>	KATAYAMA 8012-1067 2/12
NARUSE 8025-1006 <i>amdt 3-17</i>	KONDO 8012-1059 3/12
PRAKKEN 2001-1014 <i>amdt 3-14</i>	KUZEE 2001-1231 pd 3/17
SANSON v. SAMSON 7004-1006 Time to Oppose <i>2/28</i>	LINDMARK 1501-1011 pd 3/17
SYRJANEN 3505-1002 <u>FINAL</u> <i>ext 1</i>	NAKAHARA 8046-1020 pd 3/17
UENO 8041-1015 <i>Amndt 3/11</i>	ODA 8001-1028 pd 3/17
	OKAMURA 8029-1033 pd 3/17
	SAULNIER 0503-1080 pd 3/17
	SCHMUTZ 0503-1015 pd 1/9
	WOOD 4506-1009 pd 3/17
	YOSHIDA 8012-1068 3/12
	YOSHIDA 8012-1071 3/12
	YOSHIDA 8012-1073 3/12

CLIENT REF.: PH-2163

HOUGHTON ET AL.

U.S. PATENT APPLICATION

GROUP _____ APPLICATION No. 09/319,764
CLIENT ~~American Standard Inc.~~ PIPERS (TAKAPUNA)
INVENTOR Bradley HOUGHTON, Peter JEROMSON, Jamie WILKINSON,
Peter BARNES and Giscard RUTTEN
ASSIGNEE American Standard International of New York, New York
TITLE VALVE SYSTEMS FOR SERVO CONTROL OF FLUID FLOW

FILED: September 9, 1999 CONF. No. _____
ALLOWED _____ ISSUE FEE PAID _____
Convention PATENT No. _____
C.C. FILED _____ ISSUE DATE _____

FOREIGN APPLICATIONS: New Zealand Appln. 299927 filed December 12, 1996
PCT/NZ98/00168 filed December 12, 1997

Transfer to Y&T --- Mar 13, 02
Notice of Abandon --- Aug 29, 01
PA HETTER TO REVISE --- JUL 16-02
Rec to Boina Granted --- Aug 28, 02
Assigned filed --- Dec 9-02
Notice re Change of Pat
Acceptance of Pat DEC 17 2002
Assign to P --- April 23-03
Rep --- June 30-03

SMALL ENTITY STATUS CLAIMED

YES
☐

EXHIBIT C

YOUNG & RUBINSON
SUITE 200

BEST AVAILABLE COPY